

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:15-cv-225-FDW

JOHN LOUIS PIVONKA,	)	
	)	
Petitioner,	)	
	)	
vs.	)	<u>ORDER</u>
	)	
UNITED STATES OF AMERICA,	)	
	)	
	)	
Respondent.	)	
	)	

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**THIS MATTER** is before the Court on Petitioner's habeas corpus petition, brought pursuant to 28 U.S.C. § 2241, (Doc. No. 1).

On June 18, 2014, Petitioner pled guilty in this Court to conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846. (Crim. Case No. 1:13-cr-79-MR-DLH-10, Doc. No. 179: Plea Agreement; Doc. No. 186: Acceptance and Entry of Guilty Plea). On March 31, 2015, this Court sentenced Petitioner to 30 months' imprisonment, and three years of supervised release. (Id., Doc. No. 270: Judgment). On October 5, 2015, Petitioner filed this writ of habeas corpus petition, pursuant to 28 U.S.C. § 2241. Petitioner contends that the Bureau of Prisons has incorrectly calculated his prison sentence based on time served given by this Court, and he asks the Court "to issue and order to the Bureau of Prisons to credit him" the time-served, which he contends includes 413 days in detention before sentencing. (Doc. No. 1 at 3).

Petitioner is confined at Butner Federal Correctional Institution, which is in the Eastern District of North Carolina. A challenge to the execution of a sentence, rather than the sentence

itself, must be brought pursuant to § 2241 in the district of confinement. See United States v. Vance, 563 Fed. App'x 277, 278 (4th Cir. 2014) (“A prisoner wishing to challenge the BOP’s computation or execution of a federal sentence may do so via a petition for a writ of habeas corpus under 28 U.S.C. § 2241 . . . in the district of his confinement following exhaustion of available administrative remedies.”). Because Petitioner’s district of confinement is the Eastern District of North Carolina, this Court will transfer the petition to that court.

**IT IS, THEREFORE, ORDERED that:**

1. This action is transferred to the Eastern District of North Carolina.

  
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Frank D. Whitney  
Chief United States District Judge  
